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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,277	05/25/2000	Indira C. Prabhakar	5205 P3005.01	6173

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EXAMINER

PENDLETON, BRIAN T

ART UNIT

PAPER NUMBER

2644

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DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,277

Applicant(s)

PRABHAKAR ET AL

Examiner

Brian T. Pendleton

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newland in view of Sekura et al. Newland discloses a medication reminder device comprising ON/OFF button 34, a microprocessor which can be programmed to set the proper date and time and customize a medicine dosage schedule (see columns 5 and 6), a microphone for recording a voice message pertinent to a particular dosage time and a speaker for alerting the user when it is time to take medicine. Newland does not disclose an access code that provides access to the recording function. Sekura et al disclose a prescription compliance device which, in one embodiment, gives the user the option of locking the programming capabilities of the device. It was advantageous to have the locking feature since unintended alterations of a dosage schedule could result if the program was not locked. A resulting mistake in dosage could have resulted in serious health problems for the user. Therefore, one would have been motivated to provide the locking feature of Sekura et al in the invention of Newland. With respect to the feature that the user presses a play button after hearing the alert signal, there was no appreciable difference between hearing the voice message at a dosage time, as done by Newland, and hearing an alert signal and pressing a button to hear the voice

message, as claimed by Applicant. Both methods accomplish the same task without unexpected results. Sekura et al teach having an audio alert then the user performing an action to cause the device to display the proper information (see column 13 lines 37-44). In fact, the claim makes manual an automatic function, which is not patentable. Claims 1 and 5 are met. As to claim 2, the Newland invention has provisions for multi-medicine dosage reminders, as does Sekura et al. Per claims 4 and 6, Sekura et al teach a VIEW option which allows an user to scroll through the existing medications programmed into the device and then return to the current operating mode which displays the time.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newland in view of Sekura et al as applied to claim 1 above, and further in view of Kirton et al. The combination of the Newland and Sekura et al discloses a medication compliance device having an access code, recorded messages and a time schedule for taking medicine. The recorded messages are played when it is time to take medication. However, the combination does not teach recording a warning message and playing such message when the user does not take action after an alert signal for a scheduled dosage. Nonetheless, that feature was well known in the art at the time of invention. Kirton et al disclose an event monitoring device for medicine compliance. In figure 3 there is disclosed a flow diagram which shows that the user gets alerted several times after the initial alert to take medication. Thus, it was taught to further warn the user that medication has to be taken. The art suggests that single notification is not sufficient. It was advantageous to provide multiple notification since the missing of a dose of

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medicine could have resulted in grave consequences for the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a system of multiple notification in the combination of Newland and Sekura et al. Since the Newland invention uses voice messages, modifying the Newland/Sekura et al combination would involve recording a message that the initial alert was not regarded, thus meeting claim 3.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cousin, US Patent 5,646,912.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (703) 305-9509. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



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